

REMARKS / ARGUMENTS

This Request for Continued Examination is being filed subsequent to the Examiner's office action mailed January 8, 2008. The examiner made the previous office action final.

There was an interview between Examiner Matzek and applicant's agent Roger Hart conducted by telephone on Friday, May 2, 2008. The examiner is thanked for the courtesy of the review and the discussion. No agreement was reached during the course of that interview, but both applicant's agent and the examiner discussed the art relied upon by the examiner to date. During the course of discussion, precise structure of one of the examiner's principal references, Atwell was discussed as well as the precise structure intended to be covered by applicant's claims. The discussion revolved principally around the examiner's comment set out in the office action that the claims, in the examiner's view, as previously presented, were open ended and in the examiner's view did not preclude the application of the art made by the examiner.

The current RCE is being filed to present the claims in a more clear format and to distinguish over the art referred to by the examiner. One of the principal references referred to by the examiner is Atwell, U.S. 3,654,967. It is respectfully submitted that Atwell deals only with a conduit having several constituent parts. As shown in Atwell, the interior of the conduit comprises a nylon tube 2. In accordance with Atwell there are various layers of reinforcing 3, 5 and 7, all of which are applied externally to the nylon tube 2. Those reinforcements 3, 5 and 7 involve helically wound reinforcing members. It is respectfully submitted, that if one were to combine the art in the manner as suggested by the examiner, one would still end up with a nylon tube corresponding to component 2 of Atwell, to which a helically wound reinforcement is applied in accordance with the teachings of the other references relied upon by the examiner.

Appln. No. 10/654,956
Amdt. dated May 12, 2008
Reply to Office action of January 8, 2008

The conduit which applicant is trying to claim in the present application is clearly shown in figures 15b, 15d, figures 16 and 16a. In each case, the conduit is made by helically winding the ribbon to form a conduit which does not have the nylon tube at its innermost surface as shown in Atwell. Rather, the helically wound product illustrated in those figures is a helically wound product which has a wall, the wall being comprised of the ribbon, and the ribbon is wound to form the helically wound wall and in addition, the helically wound wall constitutes the inner surface of the conduit. It is submitted this is a fundamentally different product from that of Atwell or Atwell as modified by any combination of the references relied upon by the examiner to date.

Claim 46 as presented herewith has now been amended to incorporate the features referred to above. In particular, claim 46 calls for a conduit having a wall. The wall is defined as set out in the claim and the wall being helically wound constitutes the inner surface of the conduit. It is respectfully submitted that this language in the claim clearly distinguishes over the examiner's references.

All of the remaining claims in this application depend directly or indirectly from claim 46. Accordingly, it is respectfully submitted that claim 46 is itself allowable and that all other claims dependent thereon are also in condition for allowance.

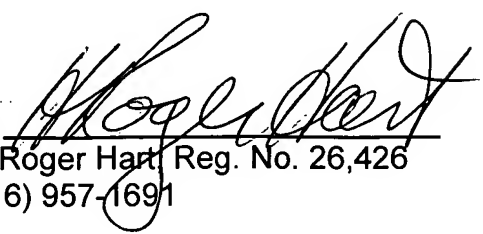
In the enclosed Petition for Extension of Time, we have paid the necessary fees for an extension of time of two months to respond to the examiner's action.

In view of the number of total claims cancelled and the additional claims added and in view of the number of independent claims cancelled and added, it is believed that no additional fees are required either for independent claims or in respect of the total number of claims. If additional fees are required, please charge the fees to our Deposit Account No. 02-2095.

Appln. No. 10/654,956
Amdt. dated May 12, 2008
Reply to Office action of January 8, 2008

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
Bereskin & Parr

By 
H. Roger Hart, Reg. No. 26,426
(416) 957-1691

HRH/jb